

IN THE SENATE

SENATE BILL NO. 1001

BY MCGEE

AN ACT

1 RELATING TO ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY  
2 OFF-HIGHWAY VEHICLES OR MOTORBIKES; AMENDING SECTION 49-302, IDAHO  
3 CODE, TO REVISE PROVISIONS RELATING TO CERTAIN UNLICENSED OPERATORS  
4 OF ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES, SPECIALTY OFF-HIGH-  
5 WAY VEHICLES OR MOTORBIKES, TO PROVIDE THAT ANY PERSONS UNDER THE AGE  
6 OF SIXTEEN WHEN OPERATING AN ALL-TERRAIN VEHICLE, UTILITY TYPE VEHI-  
7 CLE, SPECIALTY OFF-HIGHWAY VEHICLE OR MOTORBIKE ON CERTAIN ROADS AND  
8 WHEN SUPERVISED BY A LICENSED ADULT OPERATOR EIGHTEEN YEARS OF AGE OR  
9 OLDER ARE EXEMPT FROM LICENSING REQUIREMENTS, TO PROVIDE THAT CERTAIN  
10 UNLICENSED OPERATORS ON NATIONAL FOREST ROADS MUST HAVE COMPLETED A  
11 CERTAIN SAFETY COURSE, TO PROVIDE THAT A CERTIFICATE OR PROOF OF COMPLE-  
12 TION SHALL BE IN THE POSSESSION OF THE UNLICENSED OPERATOR, TO PROVIDE  
13 THAT THE CERTIFICATE OR PROOF OF COMPLETION SHALL BE PROVIDED FOR IN-  
14 SPECTION, TO PROVIDE THAT NO PERSON SHALL BE CONVICTED OF A CERTAIN  
15 VIOLATION IF THAT PERSON PRODUCES, PRIOR TO CONVICTION, A CERTIFICATE  
16 OR PROOF OF COMPLETION WHERE THE CERTIFICATE SHOWS COMPLETION OF THE  
17 COURSE PRIOR TO THE VIOLATION, AND TO DEFINE A TERM.  
18

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. That Section 49-302, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons  
23 are exempt from licensing if driving privileges are not suspended, canceled,  
24 revoked, disqualified, denied or refused:

25 (1) Any person while driving or operating any farm tractor or implement  
26 of husbandry when incidentally operated on a highway.

27 (2) Farmers are exempt from obtaining a class A, B or C driver's license  
28 to operate a commercial motor vehicle which is:

29 (a) Controlled and operated by a farmer, including operation by employ-  
30 ees or family members; and

31 (b) Used to transport either agricultural products, farm machinery,  
32 farm supplies, or both, to or from a farm; and

33 (c) Not used in the operations of a common or contract motor carrier;  
34 and

35 (d) Used within one hundred fifty (150) miles of the person's farm.

36 (3) Any person is exempt from obtaining a class A, B or C driver's li-  
37 cense for the operation of commercial motor vehicles which are necessary to  
38 the preservation of life or property or the execution of emergency govern-  
39 mental functions, are equipped with audible and visual signals, and are not  
40 subject to normal traffic regulations.

1 (4) Any person is exempt from obtaining a class A, B or C license to op-  
2 erate a commercial vehicle which is exclusively used to transport personal  
3 possessions or family members for nonbusiness or recreational purposes.

4 (5) A nonresident who is at least fifteen (15) years of age and who has  
5 in his immediate possession a valid driver's license issued to him in his  
6 home state or country may operate a motor vehicle in Idaho only as a class D  
7 operator with driving privileges restricted to daylight hours only except as  
8 provided in section 49-307(9), Idaho Code, and with full privileges at six-  
9 teen (16) years of age, and only if Idaho residency is not established.

10 (6) A nonresident who is at least fifteen (15) years of age and who has  
11 in his possession a valid driver's license with a motorcycle endorsement or  
12 who has a valid motorcycle driver's license issued to him in his home state or  
13 country may operate a motorcycle in Idaho with driving privileges restricted  
14 to daylight hours only, and with full privileges at sixteen (16) years of  
15 age.

16 (7) A nonresident who has in his immediate possession a valid commer-  
17 cial driver's license issued to him in his home state or country may operate a  
18 motor vehicle in Idaho.

19 (8) A nonresident on active duty in the armed forces of the United  
20 States who has a valid driver's license issued by his home jurisdiction,  
21 and such nonresident's spouse or dependent son or daughter who has a valid  
22 driver's license issued by such person's home jurisdiction.

23 (9) Any active duty military personnel, active duty U.S. coast guard  
24 personnel, and members of the reserves and national guard on active duty in-  
25 cluding personnel on full-time national guard duty, personnel on part-time  
26 training and national guard military technicians who as civilians are re-  
27 quired to wear military uniforms and are subject to the code of military  
28 justice, are exempt from obtaining a commercial driver's license to operate  
29 military vehicles. This exemption does not apply to U.S. reserve techni-  
30 cians.

31 (10) Any person with a valid driver's license issued in their name is ex-  
32 empt from the requirement to obtain a motorcycle endorsement on the license  
33 when operating a motorcycle on highways or sections of highways designated  
34 for unregistered motorcycle use under section 49-426(3), Idaho Code.

35 (11) Any person under the age of sixteen (16) years when operating an  
36 ATV, UTV, specialty off-highway vehicle or motorbike on roads on federal or  
37 state land where the road is not part of the highway system of the state of  
38 Idaho or ~~any political subdivision thereof when the person~~ local road man-  
39 agement authority and is supervised by a licensed adult operator eighteen  
40 (18) years of age or older, and the road is open for such use. Unlicensed  
41 operators on national forest roads must have completed a state approved mo-  
42 torbike or ATV safety course. A certificate or proof of completion shall  
43 be in the possession of the unlicensed operator of any ATV, UTV, specialty  
44 off-highway vehicle or motorbike or present in the vehicle at all times when  
45 the vehicle is operated within this state. The certificate of proof of com-  
46 pletion shall be provided for inspection to any peace officer upon request.  
47 No person shall be convicted of violating the provisions of this subsection  
48 if that person produces, at any time prior to conviction, the certificate  
49 or proof of completion of the required safety course where the certificate  
50 shows completion of the course prior to the violation. For purposes of this

1 subsection, "supervised" means that the supervising adult must be in a posi-  
2 tion, on another ATV, UTV, specialty off-highway vehicle or motorbike or, if  
3 on the ground, within three hundred (300) feet of the unlicensed operator, to  
4 provide close support, assistance or direction to the unlicensed operator.